

You must use black ink to fill out this form.

Your Name: _____

Mailing Address: _____

Telephone: _____ Message phone: _____

NOTE: If for any reason you do not wish the other party to know your physical address, you must still provide a mailing address so that the court and the other party can serve you by mail.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT _____

City or Town where the Court is located

Plaintiff,
v. _____

Defendant.

Your Case No. _____

**COMPLAINT FOR DIVORCE
With Minor Child(ren)**

I, _____, state that the following facts are true and request
(Print your name here.)
the following relief:

1. **Residence:** I am a resident of the State of Alaska.

2. **Facts of the Marriage:**

Date of marriage: _____ Place of marriage: _____

Date of separation: _____ (Optional)

3. **Basis for Decree of Divorce**

Our marriage does not work and is over. It is impossible to live together as husband and wife.

4. **Restoration of plaintiff's former name**

I want my former name restored to: _____
(Print your full former name here.)

5. **Property and debt**

5A. ☐ We have already divided all marital property and debt so there is none to be divided by this court. We can each keep what we have in our possession or control.

5B. ☐ There is property and debt to be divided by this court. I request that the marital property and debt be divided in a fair and equitable manner. ☐ I have attached a *Property and Debt Worksheet*. **(If you think there is any chance the other side will not file an answer,**

You must use black ink to fill out this form.

which will allow this case go to default, be sure to attach a property and debt worksheet telling the court specifically how you want to divide the property and debts.)

I am currently aware of the following types of property and debt:

- | | |
|--|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Bank / credit union account(s) |
| <input type="checkbox"/> Building(s) <i>(include your home here)</i> | <input type="checkbox"/> 401(k) / 403(b) retirement account(s) |
| <input type="checkbox"/> Car / truck | <input type="checkbox"/> IRA account(s) |
| <input type="checkbox"/> Snow machine / 4-wheeler | <input type="checkbox"/> Pension |
| <input type="checkbox"/> Boat(s) | <input type="checkbox"/> Other retirement funds |
| <input type="checkbox"/> Plane(s) | <input type="checkbox"/> Household goods |
| <input type="checkbox"/> Gun(s) | <input type="checkbox"/> Debt related to property (mortgages, vehicle or equipment loans etc.) |
| <input type="checkbox"/> Tools | <input type="checkbox"/> Credit card debt(s) |
| <input type="checkbox"/> Other property | <input type="checkbox"/> Other debt(s) |

6. Minor Child(ren) STOP & READ CAREFULLY!

You must be able to mark "yes" to ONE of the following questions to use this form:

- i. Are there any minor children of this relationship born prior to or during the marriage and/or adopted during the marriage? ☐ YES ☐ NO
- ii. Is the wife pregnant and is the husband the father? ☐ YES ☐ NO
- iii. Is the wife pregnant and is the husband NOT the father? ☐ YES ☐ NO

If you marked "no" to ALL of these questions, STOP. Do not use this form. Use the Complaint for Divorce (With No Minor Child(ren)) SHC-102. If you marked "yes" to any of these questions, please continue with this form.

6A. Please list all minor children, including the unborn child(ren) if the husband is the father. If the only child is an unborn child AND the husband is NOT the father of the unborn child(ren), please go to question 10.

Full Name of Each Child	Date of birth (actual or estimated)

You must use black ink to fill out this form.

☐ Additional minor child(ren) of this relationship are listed on an attachment.

6B. Has/have the minor child(ren) lived continuously for the last 6 months in Alaska?

☐ **YES** ☐ **NO** (***NOTE:** If the child(ren) have not lived in Alaska for the last 6 months, it is very likely Alaska does not have the authority, or jurisdiction, to make decisions about the child(ren). Please contact an attorney to learn about your options.*)

☐ I have attached the **required** Child Custody Jurisdiction Affidavit, [DR-150](#).

7. Custody and Visitation: *The court decides custody and visitation issues by figuring out what is in the children's best interests. The court must decide two kinds of custody: (1) legal custody and (2) physical custody.*

7A. Legal Custody is decision making authority such as matters relating to health, education or religion of the child(ren). Joint legal custody means both parents share the decision making because they can communicate about the children, even though they may not get along otherwise. Joint legal is the most common type of legal custody courts award. Sole legal custody means one parent makes decisions about the child(ren) because there is no way that the parents can communicate about the child(ren) or one parent is unfit due to severe mental illness, substance abuse or domestic abuse issues. With sole legal, both parents usually have access to school and medical records and neither parent can move out of the state with the children without permission from the court or other parent.

Because it is in the best interests of the children, I request that I be awarded:

- ☐ Joint Legal Custody (*the parents share the decision making about the child(ren)*).
- ☐ Sole Legal Custody (*one parent makes decisions about the child(ren)'s upbringing and does not have to consult with the other parent*).

7B. Physical Custody describes the child(ren)'s schedule. If the children are with each parent more than 110 over nights within 1 year, you have a shared custody schedule. If one parent has 109 over nights or less, he or she has a visitation schedule and the other parent has primary custody.

Tip: Print out the annual school calendar provided by your local school district which includes vacations and in-service days. Circle the days you want overnights and count them up to figure out if you have a shared or primary schedule. For links to many school calendars, visit <http://www.courts.alaska.gov/shc/family/docs/calendars.pdf>. For a one-page annual calendar without school dates, go to www.timeanddate.com/calendar/. You may find the Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) helpful. If you use one of these calendars, set out the times for exchanges and visitation during the day. You can attach the annual calendar and weekly chart to this *Complaint*.

The following physical custody plan is in the child(ren)'s best interests: (check i, ii or iii)

i. ☐ **Shared Physical Custody** The child(ren) will have 110 or more overnights with each of us. (*Check 1 box below for the plan you want.*)

- ☐ the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)
- ☐ the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)
- ☐ the following schedule:

You must use black ink to fill out this form.

Visitation during the week: ☐ as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: _____

Summer Vacation: _____

Holidays & Birthdays: _____

Weekends: _____

Other: _____

ii. ☐ **Primary Physical Custody:** Child(ren) will have 256 or more overnights with me and be with the other parent for 109 overnights or less. (*Check 1 box below for the plan you want.*)

☐ the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)

☐ the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)

☐ the following schedule:

Visitation during the week: ☐ as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: _____

Summer Vacation: _____

Holidays & Birthdays: _____

Weekends: _____

Other: _____

iii. ☐ **Other Custody Arrangement** as follows: _____

7C. Travel: Travel costs for visitation should be divided as follows:

You must use black ink to fill out this form.

7D. Safety concerns: *A history of domestic violence can significantly affect the outcome of the custody issues in your case. In short, there is a presumption that the perpetrator of domestic violence may not get custody. The presumption may be overcome by meeting specific legal requirements. You are strongly encouraged to discuss the situation with an attorney. For more information, see <http://courts.alaska.gov/shc/family/dvlawfaq.htm>.*

☐ I am concerned about my safety or the safety of the children when with the other parent.

Therefore, I request that visitation be restricted as follows: _____

8. Child & Medical Support ☐ I have completed and attached the **required** Child Support Guidelines Affidavit, [DR-305](#) [Fill-In PDF].

☐ I am proposing a **shared custody schedule**, so I have also completed and attached a Shared Custody Child Support Calculation, [DR-306](#) [Fill-In PDF]. (Note: if you asked for primary custody, you do not need to file the DR-306 form).

8A. Civil Rule 90.3 calculation: Child support should be entered ☐ in accordance with Civil Rule 90.3 OR ☐ vary from Civil Rule 90.3 because: _____

8B. Child Support should be ordered from: ☐ the date of separation ☐ the date of the Final Decree ☐ other: _____.

8C. Other parent's income: I believe that the other parent

i. ☐ is making approximately \$_____ per ☐ hour ☐ year at his/her job as a _____

ii. ☐ has a work history of being able to make \$_____ per ☐ hour ☐ year as a _____

and this is the amount that should be used when calculating child support if they do not respond to this *Complaint*. I have completed the *Child Support Affidavit*, from DR-305, using these numbers and will serve the DR-305 with this *Complaint*.

8D. Child Support past the age of 18: I ☐ do ☐ do not request that child support for each child continue for up to a year after the child turns 18 when the following conditions are met: 1) the child is 18 years old, (2) unmarried, (3) actively pursuing a high school diploma or equivalent level of training, and (4) living as a dependent with a parent.

You must use black ink to fill out this form.

8E. Has either Child Support Services Division (CSSD), the Alaska court or any other state court or child support agency ordered anyone to pay child support?

☐ No ☐ Yes, ☐ Mother ☐ Father or ☐ other _____ has been ordered to pay child support. (Please attach a copy of that order if you have it.)

IMPORTANT: If you answered yes, send a copy of this *Complaint* to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

If another state ordered child support, please read about registering the out-of-state order at <http://courts.alaska.gov/shc/family/shcforeign.htm>.

8F. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?

☐ No ☐ Yes, who? _____

IMPORTANT: If you answered yes, send a copy of this motion to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

8G. CSSD Services: I ☐ do ☐ do not request the assistance of CSSD to enforce the child support order and keep records of the payments. (If yes, fill out form [DR-315](#) and file with this *Complaint*)

9. Miscellaneous

9A. ☐ Permanent Fund Dividend: I request that the court designate ☐ Father ☐ Mother as the authorized parent to apply for the minor child(ren)'s PFDs. Please describe any special agreements, such as depositing the PFD into an college savings account etc.:

9B. Federal Taxes

i. ☐ Mom ☐ Dad shall claim the child(ren) as a dependent on his/her federal income taxes ☐ each year ☐ alternating years, starting in year _____.

ii. ☐ Each parent shall claim the child(ren) on federal income taxes each year as follows:

child: _____ ☐ Dad ☐ Mom

child: _____ ☐ Dad ☐ Mom

child: _____ ☐ Dad ☐ Mom

child: _____ ☐ Dad ☐ Mom

iii. ☐ Other: _____

You must use black ink to fill out this form.

10. Paternity: *The law presumes that the husband is the legal father of any child conceived or born during the marriage, even if everyone involved knows who the father is. If the wife is pregnant at the time of divorce, the husband is the legal father and responsible for child support when that child is born. The child will not have rights to inheritance and benefits from the biological father. It is very important for paternity to be addressed honestly during the divorce.*

10A. Unborn Child: **Is wife currently pregnant?** ☐ **NO** ☐ **YES.** If yes, is her husband the father of the child?

☐ **YES** - then there are no paternity issues and the child can be included on the custody, support and visitation order. *Skip to Question #11.*

☐ **NO** - paternity will need to be disestablished, but this cannot happen until AFTER the child is born. If there is an important reason to get divorced before the birth, you can file a Motion, Affidavit & Order to Bifurcate for Paternity, SHC-152 [Word](#) | [PDF](#), which asks the court to end the marriage, divide the property and address custody, visitation and support for the living child(ren), but delay decisions about the unborn child until after the birth.

☐ **NOT SURE** - DNA testing needs to be done after the child is born to find out whether the husband needs to be disestablished. If there is a compelling reason to get divorced before the birth, you can file a Motion, Affidavit & Order to Bifurcate for Paternity, SHC-152 [Word](#) | [PDF](#), which asks the court to end the marriage, divide the property and address custody, visitation and support for the living child(ren), but delay decisions about the child until after the birth.

10B. Already born child(ren): Does paternity need to be disestablished on any child(ren) born during the marriage? ☐ **NO** ☐ **YES.** If yes, in the chart below list the child(ren) and birthday(s) and indicate how you will disestablish. If you have a completed Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151 [Word](#) | [PDF](#), DNA test or birth certificate showing biological father, please attach it to this *Complaint*. If you think you will need an *Order* to have the other party report for DNA testing, you must also submit a *Motion for DNA Testing* (you can use the Generic Motion Packet, [SHC-PAC6](#)).

Child's Name	Date of Birth	Filing an Affidavit of Paternity, SHC-151	DNA Testing Complete	DNA Testing Planned	Birth Certificate w/ Biological Father's Name

11. ☐ Other: *(For example attorney's fees, spousal support, etc. If you want the court to award you attorney's fees or spousal support before the end of the case, you must file a separate motion in addition to writing it in this section. See <http://courts.alaska.gov/shc/family/motions.htm> for forms.)*

You must use black ink to fill out this form.

REQUEST FOR RELIEF

I REQUEST:

1. That the court end our marriage and issue a *Decree of Divorce*;
2. That a *Final Order and Judgment* be entered regarding property and debt as requested in section 5 of this *Complaint*;
3. If requested, that my former name of _____ be restored to me;
(Print full former name here)
4. That a *Final Order* be entered regarding custody and visitation as set forth in section 7 of this *Complaint*;
5. That Child Support be calculated and ordered as set forth in section 8 of this *Complaint*;
6. That PFD applications, and federal tax dependency issues be ordered as set forth in section 9 of this *Complaint*.
7. If requested, that paternity be disestablished for the child(ren) born during the marriage as set forth in section 10B of this *Complaint* and the birth certificate amended.
8. If requested, that this proceeding be bifurcated because the wife is pregnant and there is a question of paternity. I would like this court to proceed with all matters but the paternity of the unborn child, reserving that issue until the birth. I have attached a *Motion to Bifurcate*, SHC-152.
9. Other: _____

10. For such other and further relief as the Court deems fit and proper.

I have attached the following documents:

- ☐ **Child Custody Jurisdiction Affidavit**, [DR-150](#) [Fill-In PDF] – **Required**
- ☐ **Child Support Guidelines Affidavit**, [DR-305](#) [Fill-In PDF] – **Required**
- ☐ **Shared Custody Support Calculation**, [DR-306](#) [Fill-In PDF] – **Required if you want shared custody**
- ☐ **Property & Debt Worksheet**, SHC-1000 [Word](#) | [PDF](#)
- ☐ Other _____

Date

Your Signature (In blue ink if possible)

You must use black ink to fill out this form.

Service Instructions

Copies for the defendant:

After you open the court case, **you must serve the defendant** with a copy of this form and all of its attachments **by**:

- **certified mail / restricted delivery/ return receipt, OR**
- **by process server.**

For information about serving the defendant, see: <http://courts.alaska.gov/shc/family/serve.htm>.

Copies for CSSD:

If CSSD is collecting, in the process of setting up an order, or the child(ren) have benefited from public assistance, send a copy of this form and all of its attachments to the attorneys for the Child Support Services Division **by first class mail**. Look at your court case number to determine which office is handling your case:

Court case numbers beginning with a 1, 2 or 3:
Examples: 1JN-05-8888, 2BE-05-8888 or 3AN-05-8888

Attorney General's Office
Collections and Support Section
1031 West Fourth Ave., Ste 200
Anchorage, AK 99501

Court case numbers beginning with a 4:
Example: or 4FA-05-8888

Attorney General's Office
Collections and Support Section
100 Cushman St., Ste. 400
Fairbanks, AK 99701

Other Useful Contact Information for Family Law Cases

Alaska Court System's Family Law Self-Help Center

<http://courts.alaska.gov/shc/family/selfhelp.htm>

Helpline: (907) 264-0851 or (866) 279-0851 (toll-free in Alaska but outside Anchorage)

Court Contact Information: <http://courts.alaska.gov/courtdir/index.htm>

Court Custody Investigators: The court may appoint a custody investigator for your case. If so, when you file future documents in court, please send a copy to the custody investigator's office. Look at your court case number to determine which office is handling your case:

Court case numbers beginning with a 1 & 2:
Example: 1JN-11-8888 or 2BE-1-8888

Contact your local court for
the CI's mailing address

Court case numbers beginning with a 4:
Examples: or 4FA-11-8888

Custody Investigator's Office
Alaska Court System
101 Lacey Street
Fairbanks, AK 99701

Case numbers beginning with a 3:
Example: 3AN-11-8888

Custody Investigator's Office
Alaska Court System
303 K Street
Anchorage, AK 99501